IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

LA.App..No. 72 of 2003()

LAR.73/1996 of PRINCIPAL SUB COURT,PARAVUR
.....

APPELLANT: CLAIMANT

PANKAJAKSHY, D/O. THANKAMMA,
PALAKKATHARA, VADAKKETHIL, KARTHIKAPPILLY VILLAGE,
PUTHUKANDAMURIYIL.

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENTS: RESPONDENT

STATE OF KERALA, REPRESENTED BY
SPECIAL TAHSILDAR (LA), GENERAL, ERNAKULAM,
KAKKANAD.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.72 of 2003

Dated this the 31st day of October, 2007

JUDGMENT

Kurian Joseph,J.

Appellant is aggrieved since he is denied interest on solatium. In view of the decision of the Supreme Court in Sunder v. Union of India, 2001(3) KLT 489 the appellant is entitled to the relief. Accordingly we hold that the appellant shall be entitled to interest on solatium as well. To the extent required the judgment and decree will stand modified. We make it clear that the entitlement of the benefits as above will be subject to the order passed by us in C.M.P.No.309/2003 wherein it is made clear that for the period covered by the delay of 1128 days the appellant will not be entitled to interest at 15% on the relief granted by this court.

The appeal is disposed of as above.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No. 72 of 2003

JUDGMENT

31st October, 2007